IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.3501 of 1989
Date of Decision: 13.09.2006

Kuldip Singh

Petitioner

versus

Harbhajan Singh

Respondent

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

Present: Shri Des Raj Mahajan, Advocate for the petitioner
Shri Jaspal Singh, Advocate for
Shri Heman Sarin, Advocate for the respondent

Jasbir Singh, J. (Oral)

Vide judgment dated 20.1.1988, application of the respondent-landlord under Section 13 of the East Punjab Rent Restrictions Act, 1949 was allowed. The appellant-tenant was ordered to be ejected from the shop in dispute. Appellant failed in appeal. Hence, this revision petition.

At the time of arguments, counsel for the parties very fairly conceded that the controversy in dispute is squarely covered by ratio of judgment of Hon'ble the Supreme Court in *Rakesh Wadhawan & ors. v. M/s Jagdamba Industrial Corporation & ors.*, *JT 2002 (Suppl.1)SC 11*.

In view of consensus arrived at, this revision petition is allowed, the orders, under challenge, are set aside and the matter is remitted to the Rent Controller at Nakodar to decide it afresh, keeping in view ratio of the judgment in *Rakesh Wadhawan's case (supra)*.

Parties are directed to appear before the Court below on 9.10.2006.

The Rent Controller is directed to dispose of the matter expeditiously.

September 13, 2006 **(Jasbir Singh)**
gk **Judge**